

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WALTER CRUMBLEY, a/k/a  
WILLIAM D. CLARK,**  
                    **Petitioner,**

**v.**

**BARRY SMITH, et al.,  
                    Respondents.**

:  
:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION**


**No. 18-2913**

**ORDER**

**AND NOW**, this 15th day of July, 2019, upon consideration of the Petition for Writ of *Habeas Corpus* filed by Petitioner Walter Crumbley (Doc. No. 1), the Response to the Petition (Doc. No. 11), and U.S. Magistrate Judge Marilyn Heffley's Report & Recommendation (Doc. No. 13) (the "R&R"), it is **ORDERED** that:

1. The R&R (Doc. No. 13) is **APPROVED** and **ADOPTED**.<sup>1</sup>
2. The Petition for Writ of *Habeas Corpus* (Doc. No. 1) is **DENIED**.
3. There is no probable cause to issue a certificate of appealability.<sup>2</sup>
4. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

  
GENE E.K. PRATTER  
United States District Judge

---

<sup>1</sup> The R&R adequately addresses that Mr. Crumbley's claims are not cognizable under 28 U.S.C. § 2254(d). Mr. Crumbley did not file objections to the R&R, and the time for objections expired on March 15, 2019.

<sup>2</sup> A certificate of appealability may issue only upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). The Court concludes that U.S. Magistrate Judge Heffley is correct there is no probable cause to issue such a certificate in this action.